is the best available and that it depends for its successful working on a number of peculiarly English notions, and in particular upon the English idea that unwritten rules about conduct and behaviour are better than precise formulae, and stronger protection for the citizen than a formal code.

R. H. DUNN*

Gentlemen of the Law, by MICHAEL BIRKS (Stevens and Sons Ltd, London, 1960), pp. i-x, 1-304. Australian price £1. 14s. 6d.

When we consider the value which the English lawyer has always placed on precedent and the care which he has taken to record the judgments and transactions of the past, it is surprising that the history of the legal profession itself has been so neglected, and that Mr Michael Birks' *Gentlemen of the Law* is almost the first comprehensive history of the solicitors' branch of the profession.

Mr Birks commences his story in the thirteenth century when, to avoid the inconvenience of personal attendance at court, litigants began to adopt the practice of appointing a friend or retainer to appear as their attorney. Gradually there grew up a body of persons who, for a consideration, were prepared to act as attorney for anyone who desired their services.

The mediaeval organization of the profession whereby each court had its own body of attorneys with an exclusive monopoly of business in that court became quite unsuitable when the various courts began to compete for business, and when the Court of Chancery began to interfere with the jurisdiction of the common law courts by means of the injunction. When separate actions in different courts were necessary to obtain different remedies arising out of the same cause of action, it must have been most inconvenient if each suit had to be conducted independently by a separate attorney. The difficulty was overcome by employing others to supervise the activities of the attorneys: these came to be known as solicitors. Later the name came to be associated with those who practised in the Court of Chancery although the term was not applied exclusively to those who practised in that Court until 1729.

The transfer of land by fictitious actions and the enrollment of deeds in the court naturally meant that conveyancing became part of the attorney's practice.

In later chapters the author deals with the growth of the profession in the seventeenth and subsequent centuries, the organization of the solicitors as a corporate body through the Society of Gentleman Practisers in the Courts of Law and Equity, and the Law Society, and the influence and activity of solicitors in the field of law reform. He also provides the answer to many intriguing questions, such as why the term 'solicitor' has completely replaced the older 'attorney', the court's control over solicitors as 'officers of the court' and the (pre-inflation) fee of six shillings and eightpence which is not any proportion of the guinea.

Mr Birks has deliberately chosen to tell his story in terms of individuals, setting them against the background of their times. Such a method, as Mr Birks himself admits, is open to the obvious criticism that one cannot be sure that those whose activities are described are typical of the profession

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at large but it certainly makes for a much more lively narrative. His choice of individuals is extremely wide and clearly reflects most careful research. His bibliography ranges from the Year Books and other contemporary records through biographies and parliamentary papers to modern books, reports and periodicals. The result is a book which is eminently readable and should be of interest not merely to members of the legal profession but also to laymen who are interested in social history.

It is to be hoped that someone will now be encouraged to write a similar history of the Victorian legal profession as the little which has already been published indicates that the material is available. All that is required is industry and interest. I suggest it would make an excellent subject for a thesis.

ARTHUR HEYMANSON*

An Introduction to Criminal Law, by RUPERT CROSS, D.C.L., and P. ASTERLEY JONES, LL.B., 4th ed. (Butterworth and Co. Ltd, London, 1959), pp. i-lxvi, 1-472, and Index [1]-[35]. Australian price £2. 19s. 6d.

The publication of the fourth edition of a work within the space of twelve years indicates that it has surely 'arrived', and is probably on its way to being described as a classic. Without making any pretentious claims to trail-blazing, Dr Cross and Mr Jones continue to produce what is generally a lucid and well-written textbook on English criminal law and procedure, which is attractively produced by their publisher.

When a book has passed through a number of editions without major changes it might seem that a criticism of its presentation is pointless; it has survived trial by ordeal. However, the authors' receptiveness to comment and stated willingness to listen, emboldens this reviewer to launch two attacks.

What might be called the 'Diceyan' mode of presentation has been used and is still adopted; that is to say, the authors formulate rules or principles as concisely as is possible, set them out, and then follow them with an explanation of and commentary upon them. The reviewer doubts whether this mode is really helpful to the reader, even to the greenest law student meeting criminal law as his first legal subject. The principle or rule stated is not meant to be an absolute; it is often qualified as well as clarified in the explanatory text. For instance, to be told in Article 31 on attempts that 'an attempt to commit an indictable offence . . . is committed if an act is done . . . with intent to commit that offence, and such act . . . is a step towards the commission of that offence which is immediately connected with it . . .' (page 107-108) is not very helpful; the explanatory text with its clear discussion of *R. v. Robinson*[1] and *Hope v. Brown*[2] considers the admitted difficulties in this area where discrimination (or lack of it) between preparations and attempts prevents the reader thinking that the matter is as simple as the rule stated above would have him first believe. The book would lose nothing if these too facile rules disappeared.

This book is, as are the great majority of English texts, concerned solely with English cases and comments upon them; an Australian reader

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[1] [1915] 2 K.B. 342.

[2] [1954] 1 All E.R. 330.